

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

THOMAS C. BURCHER,

Plaintiff,

v.

Civil Action No. 4:08cv106

SIEMANS AUTOMOTIVE CORPORATION,

Defendant.

**PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE DEFENDANT'S  
EXPERT WITNESS, WILLIAM H. DALEY, III**

NOW COMES the Plaintiff, Thomas C. Burcher, by counsel and pursuant to Rules 702 and 401 of the Federal Rules of Evidence, *Daubert v. Merrell-Dow Pharms.*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999) move this Court for entry of an Order excluding Defendant's designated expert witness, William H. Daley, III, from testifying at trial or otherwise rendering opinion evidence in this cause.

1. William H. Daley, III is designated as presumably an expert witness in slip and fall investigation and mechanical engineering. His report and opinions fail to address any issue outside of a lay juror's common experience or ability and does not satisfy Rule 702 *et seq.* of the Federal Rules of Evidence. Therefore, Plaintiff, Thomas C. Burcher, moves this Court to exclude William H. Daley, III's testimony entirely.

The reasons for granting this motion are set forth in greater detail in the Brief filed contemporaneously with this motion.

**THOMAS C. BURCHER**

By: \_\_\_\_\_/s/\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on the 24rd day of June 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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